

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

THE NANTUCKET WINE & FOOD FESTIVAL, LLC,
and NANCY BEAN,

Plaintiffs,

v.

GORDON COMPANIES, INC. d/b/a THE NANTUCKET
FOOD AND WINE EXPERIENCE, DAVID GORDON,
and WHITE ELEPHANT HOTEL LLC,

Defendants.

Case No. 1:24-cv-11640-LTS

**DEFENDANT WHITE ELEPHANT HOTEL LLC'S
MOTION TO DISMISS PLAINTIFFS' COMPLAINT**

Defendant White Elephant Hotel LLC (“White Elephant”) moves to dismiss all claims asserted against it in the Plaintiffs’ Complaint for failure to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6).

In support of this Motion, White Elephant states that the Complaint fails to contain any well-pleaded allegations against White Elephant that would sustain any viable legal claim against it. In further support of the Motion, White Elephant relies upon and incorporates by reference the supporting Memorandum of Law filed simultaneously herewith.

WHEREFORE, White Elephant respectfully requests that the Court dismiss the entire Complaint against it with prejudice pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted.

Respectfully Submitted,

WHITE ELEPHANT HOTEL LLC

By its attorneys,

Dated: July 29, 2024

/s Molly M. Quinn

Derek B. Domian, Esq. (BBO #660568)

Andrew T. O'Connor, Esq. (BBO #664811)

Molly M. Quinn, Esq. (BBO #696720)

GOULSTON & STORRS PC

One Post Office Square

Boston, MA 02109

Telephone: (617) 574-6568

ddomian@goulstonstorrs.com

aoconnor@goulstonstorrs.com

mquinn@goulstonstorrs.com

REQUEST FOR ORAL ARGUMENT

White Elephant respectfully requests oral argument on its Motion to Dismiss.

CERTIFICATE OF CONFERENCE

I hereby certify that on July 26, 2024, counsel for White Elephant conferred counsel for Plaintiffs, Mary Nguyen, regarding the substance of the foregoing motion, pursuant to Local Rules 7.1(A)(2) and 37.1(A); that counsel attempted in good faith to resolve or narrow the issues; and that the parties were unable to reach agreement.

Dated: July 29, 2024

/s Molly M. Quinn

Molly M. Quinn, Esq. (BBO #696720)

CERTIFICATE OF SERVICE

I, Molly M. Quinn, hereby certify that a true and correct copy of the foregoing document was served on all counsel of record using the Court's Case Management/Electronic Case Files System (CM/ECF)

Dated: July 29, 2024

/s Molly M. Quinn

Molly M. Quinn, Esq. (BBO #696720)